

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DON PHILIPPI,

Plaintiff,

v.

HOWARD SKOLNIK, *et al.*,

Defendants.

3:11-cv-00272-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#80<sup>1</sup>) entered on April 24, 2013, recommending granting Defendants' Motion for Summary Judgment (#66) filed on November 1, 2012. Plaintiff filed his Objection to Report and Recommendation #80 (#90) on July 30, 2013, and Defendants filed their Opposition to Plaintiff's Objection to Report and Recommendation #80 (#92) on August 13, 2013.

Also before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#91) entered on August 2, 2013, recommending denying Plaintiff's Cross Motion for Summary Judgment (#72) filed on December 17, 2012. Plaintiff filed his Objection to Report and Recommendation #91 (#93) on August 19, 2013, and Defendants filed their Opposition to Plaintiff's Objection to Report and Recommendation #91 (#94) on September 3, 2013.

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<sup>1</sup>Refers to court's docket number.

1 This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local  
2 Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

3 The Court has conducted its *de novo* review in this case, has fully considered the objections of  
4 the Plaintiff, the Defendants' oppositions to Plaintiff's objections, the pleadings and memoranda of the  
5 parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB  
6 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#80) entered on  
7 April 24, 2013, and the Magistrate Judge's Report and Recommendation (#91) entered on August 2,  
8 2013, should be adopted and accepted.

9 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#80)  
10 entered on April 24, 2013, and the Magistrate Judge's Report and Recommendation (#91) entered on  
11 August 2, 2013, are adopted and accepted.

12 IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (#66) is  
13 GRANTED as to Plaintiff's Fourteenth Amendment due process claim (Count I) and Plaintiff's  
14 RLUIPA claim (Count II).

15 IT IS FURTHER ORDERED that Plaintiff's First Amendment access to court and/or First  
16 Amendment retaliation claims(s) (Count III) is DISMISSED from this action without prejudice to  
17 renew.

18 IT IS FURTHER ORDERED that Plaintiff's Cross Motion for Summary Judgment (#72) is  
19 DENIED.

20 IT IS SO ORDERED.

21 DATED this 24th day of September, 2013.



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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE